

Before the
FEDERAL COMMUNICATIONS COMMISSION
 Washington, D. C. 20554

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MAR 27 1998

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)	
)	
Tariffs Implementing)	CC Docket No. 97-250
Access Charge Reform)	

MOTION TO STRIKE

BellSouth Telecommunications, Inc. ("BellSouth") hereby moves the Commission to strike the "Rebuttal Comments" filed by the General Services Administration ("GSA") on March 23, 1998.

In this proceeding, the Commission is investigating the Access Reform tariff filings of local exchange carriers.¹ In the Designation Order, the Commission designated the various issues for investigation and established the dates for filing of Direct Cases, Oppositions and Comments to the Direct Cases, and Rebuttals to those Oppositions and Comments. Direct Cases were to be filed on February 27, 1998, pleadings responding to the Direct Cases were to be filed on March 16, 1998, and Rebuttals to such pleadings were to be filed on March 23, 1998.

¹ In the Matter of Tariffs Implementing Access Charge Reform, CC Docket No. 97-250, *Memorandum Opinion and Order* (DA 97-2724), released December 30, 1997 ("Suspension Order"); In the Matter of Tariffs Implementing Access Charge Reform, CC Docket No. 97-250, *Order Designating Issues for Investigation and Order on Reconsideration* (DA 98-151), released January 28, 1998 ("Designation Order").

Despite the fact that GSA entitles its comments "Rebuttal Comments," GSA admits that it is "respond[ing] to the direct cases submitted by the carriers."² Indeed, it is clear from a review of the contents of GSA's "Rebuttal Comments" that this is precisely the case. Given that GSA's response to the Direct Cases was filed on March 23, 1998, rather than on March 16, 1998, it is untimely. Indeed, it was filed on the same date that Rebuttals to any oppositions and comments to the Direct Cases were due to be filed. As such, BellSouth respectfully requests the Commission to strike GSA's pleading in its entirety.

The Commission does not take lightly its established filing dates.³ Moreover, GSA did not even ask for a waiver of the comment deadline in this proceeding, nor has it provided any reason why the Commission should accept its untimely pleading.

If the Commission were to decide to permit pleadings filed so far out of time as GSA's to be considered, established pleading cycles would come to have no meaning. The Commission's consideration of such comments would be taken as a signal that comments can be filed at any time regardless of established deadlines. This would insert a measure of chaos into otherwise orderly processes. Indeed, if the Commission were to determine to consider late-filed comments, it would nevertheless have to first afford

² GSA at 2.

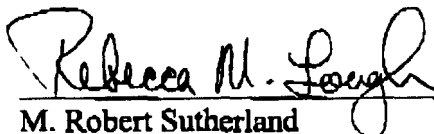
³ In the Matter of Petition of Southwestern Bell Telephone Company Under Section 69.4(G)(1)(ii) of the Commission's Rules for Establishment of New Service Rate Elements, Southwestern Bell Tariff F.C.C. No. 73 for Provision of Long-Term Number Portability Database Related Services, Transmittal No. 2694, CPB/CPD 98-17, *Memorandum Opinion and Order* (DA 98-530), released March 18, 1998 (denial of untimely AT&T petition).

interested parties an opportunity to rebut them, with the result that pleading cycles could be extended *ad nauseum*.

In sum, the Commission should strike GSA's pleading. In the alternative, if the Commission decides to consider the particular GSA "Rebuttal Comments" at issue here, at a minimum it should afford interested parties an opportunity to respond.

Respectfully submitted,

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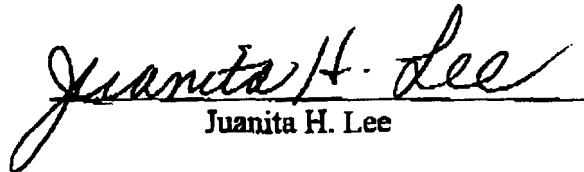
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CERTIFICATE OF SERVICE

I do hereby certify that I have this 27th day of March 1998 served all parties to this action with a copy of the foregoing MOTION TO STRIKE by placing a true and correct copy of the same in the United States Mail, postage prepaid, addressed to the parties listed on the attached service list.



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